

### **REMARKS/ARGUMENTS**

Claims 1-34 are pending in the application. Claims 1-34 are rejected. Claims 1, 5, 8, 17, 22, 22, 25, 26 have been amended. No new matter has been introduced into the application. As explained in more detail below, Applicants submit that all claims are in condition for allowance and respectfully request such action.

#### **Interview Summary**

This Interview Summary is filed further to the Examiner's Interview conducted on December 12, 2006.

Applicants wish to thank Examiner Janvier for the telephonic interview on December 12, 2006, during which the pending Office Action was discussed. The Parties discussed amending the claims to indicate "at least two" of the mobile terminal users were selected for the distribution of any advertisements and/or promotional offers and indicate the value was a "monetary" value in select claims. Lastly, Examiner Janvier indicated that ending the text "currently within the vicinity of the specific interest" to the second element of claims 1 would more clearly define the scope of the claim. Through this Amendment and Response, the claims have been amended.

Applicants appreciate the time Examiner Janvier spent discussing the Office Action and possible claim amendments.

#### **Claim Objections**

Claims 8, 9, and 21-24 are objected to because of certain informalities. Through this Amendment and Response Applicants have amended claims 8, 9, and 21-24 to correct the inadvertent typographical errors specified in the Office Action. Applicants have further amended the claims to remove extraneous language, such as lengthy preambles, to more clearly and succinctly define the scope of the invention.

**Claim Rejections – 35 USC § 103**

Claims 1-4, 17-20, 21-24, 10, 12-14, 29, 31-33 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Buss et al. (US Patent 5,539,395) in view of Bandera (US Patent 6,332,127).

As discussed above in relation to the Examiner Interview, through this Amendment and Response, Applicants have amended independent claims 1, 5, 17, 21, 25 to indicate that “at least **two** of the plurality of mobile user terminals” are selected for the distribution of the dynamically generated promotional offer and/or advertisement. Further dependent claims referring to the limitation have also been amended. As discussed in the prior Responses, neither Bandera nor Buss, whether individually or in combination, teach or suggest defining a value for the dynamically generated promotional offer of the advertising message based on the number of the selected mobile terminal users where at least two mobile terminals are selected. Therefore, for at least this reason, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claim 21 has also been amended to more clearly indicate the value is a “monetary” value. Neither Bandera nor Buss, whether individually or in combination, teach or suggest defining a monetary value based on the number of selected mobile terminal users. Therefore, for at least this reason, Applicants respectfully request reconsideration and withdrawal of the rejection with regards to claim 21 and its dependent claims.

Claims 1-4, 27 and 17-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bandera (US Patent 6,332,127) in view of Buss et al. (US Patent 5,539,395).

Applicants have amended independent claims 1, 17, 21 to indicate that “at least **two** of the plurality of mobile user terminals” are selected for the distribution of the dynamically generated promotional offer. Further, Applicants have amended the 2<sup>nd</sup> limitation of claim 1 to specify that the dynamically generated promotional offer is based on a number of mobile terminal users “currently within the vicinity of the specific interest” and claims 1 and 17 have been amended claims to indicate the value is a “monetary” value. Neither Bandera nor Buss, whether individually or in combination, teach or suggest defining a monetary value based on the

number of selected mobile terminal users. Therefore, for at least this reason, Applicants respectfully request reconsideration and withdrawal of the rejection with regards to claims 1, 17 and their dependent claims.

Claims 5-9, 15, 16, and 25-28 are rejected under 35 U.S.C. § 102(b) as being anticipated by Buss et al. (US Patent 5,539,395).

As discussed above in relation to the previous rejection utilizing Buss, Applicants respectfully submit that the claims as presently recited are not anticipated by any teaching or disclosure of Buss and respectfully request reconsideration and withdrawal of the rejection.

The Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection.

Claims 5-16, 21-26 and 28-34 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bandera (US Patent 6,332,127).

As discussed above in relation to the previous rejection utilizing Bandera, Applicants respectfully submit that the claims as presently recited are not anticipated by any teaching or disclosure of Buss and respectfully request reconsideration and withdrawal of the rejection.

The Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection.

**CONCLUSION**

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Applicant believes there is no fee due in association with the filing of this response, however, should there be any fees due the Commissioner is hereby authorized to charge any such fees or credit any overpayment of fees to Deposit Account No. 19-0733.

Respectfully submitted,

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